

interior recess, said deformable gasket having a thread engaging portion that is deformed so as to at least partially conform to said external threads of said finish portion of said container, said thread engaging portion having a plurality of inwardly extending raised flutes, said flutes being circumferentially spaced irregularly about said thread engaging portion, and wherein at least some of said flutes are in contact with at least one of said external threads at respective points of contact, each external thread having a total distance spanned by such points of contact, whereby said irregular spacing of said flutes will cause said container assembly to have an aggregate distance spanned that is a sum of said total distance spanned for all of said external threads that is less than it would be were the flutes spaced regularly, whereby the amount of torque that is necessary to remove the closure is comparatively reduced.

9. A container assembly according to claim 8, wherein said flutes are arranged in a plurality of groups, each of said groups containing more than one flute.

10. A container assembly according to claim 9, wherein a circumferential distance between any two adjacent groups is greater than a circumferential distance between any two adjacent flutes within a group.

11. A container according to claim 9, wherein at least a plurality of said groups contain at least three flutes.

### **REMARKS**

This amendment is submitted in response to the Office Action dated December 16, 2002. After entry of this amendment, claims 1-11 will continue to be pending in the application. Reconsideration and allowance is respectfully requested in view of the remarks made below.

#### ***1. The Allowed Claims***

Applicant notes with appreciation the allowance of claims 1, 2 and 8-11.

## 2. *The Prior Art Rejections*

Original claims 3-7 were rejected under Section 102(b) based on United States Patent 4,000,825 to Westfall ("Westfall"). Applicant respectfully traverses this rejection and urges its withdrawal, for the reasons set forth below.

As Applicant described in the Background of the Invention portion of the specification, conventional closure caps of the press-on turn-off variety tend in many cases to be difficult to open for some consumers because of the amount of torque that is required to remove the closure cap from the container. In an attempt to address this issue, certain closure caps that are in commercial use are provided with equally spaced flutes of raised gasket material on the inside of the depending skirt portion of the closure, which is intended to reduce the amount of contact surface between the gasket and the container threads. In actual practice, however, such closures do not always provide the desired removal torque. The inventors have determined that this is due in part to the fact that the equal and symmetrical spacing of the flutes provides too much contact with the embedded glass container threads. The Westfall reference is a good example of such a closure cap wherein the flutes are evenly and symmetrically spaced.

The inventors determined that a need exists for an improved closure cap of the press-on turn-off variety that is configurable so as to permit a significant reduction in the amount of torque that is required to remove the closure cap from a container, without compromising the quality of the hermetic seal that is formed with the container during packaging.

Independent claim 3 recites a press-on, twist-off container assembly that includes:

- a container having a finish portion with at least one external thread defined thereon; and

- a press-on, twist-off type closure including a panel portion; a skirt portion depending downwardly from said panel portion, said skirt portion and said panel portion together defining a generally cylindrical interior recess; and a deformable gasket mounted within said interior recess, said deformable gasket having a thread engaging portion that is deformed so as to at least partially conform to said external threads of said finish portion of said container, said thread engaging portion having a plurality of inwardly extending raised flutes, and wherein at least some of said flutes are in contact with at least one of said external threads at respective points of contact, each external thread having a

total distance spanned by such points of contact, and wherein an aggregate distance spanned that is a sum of said total distance spanned for all of said external threads is less than an internal circumference of said thread engaging portion. (emphasis added)

Independent claim 7 similarly recites:

A press-on, twist-off container assembly, comprising:

a container having a finish portion with at least one external thread defined thereon; and

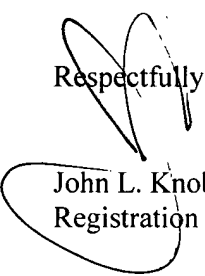
a press-on, twist-off type closure including a panel portion; a skirt portion depending downwardly from said panel portion, said skirt portion and said panel portion together defining a generally cylindrical interior recess; and a deformable gasket mounted within said interior recess, said deformable gasket having a thread engaging portion that is deformed so as to at least partially conform to said external threads of said finish portion of said container, said thread engaging portion having a plurality of inwardly extending raised areas, and wherein at least some of said raised areas are in contact with at least one of said external threads at respective lengths of contact, each external thread having a total distance spanned by a sum of such lengths of contact and distances spanned by adjacent raised areas on the thread, and wherein an aggregate distance spanned that is a sum of said total distance spanned for all of said external threads is less than an internal circumference of said thread engaging portion.

Both of these independent claims require an aggregate distance spanned that is a sum of the total distance spanned for all of the external threads to be less than an internal circumference of the thread engaging portion. This is made possible by the uneven spacing of the flutes in Applicant's preferred embodiment.

In Westfall, which has even flute spacing, the aggregate distance spanned that is a sum of the total distance spanned for all of the external threads would be significantly greater than an internal circumference of the thread engaging portion. Accordingly, the reference does not anticipate any of claims 3-7. Withdrawal of the applied rejection and an indication of allowability for claims 3-7 is respectfully solicited.

**3. Conclusion**

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he is respectfully invited to telephone the undersigned at 215-599-0600.



Respectfully submitted,

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Date: June 16, 2003

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